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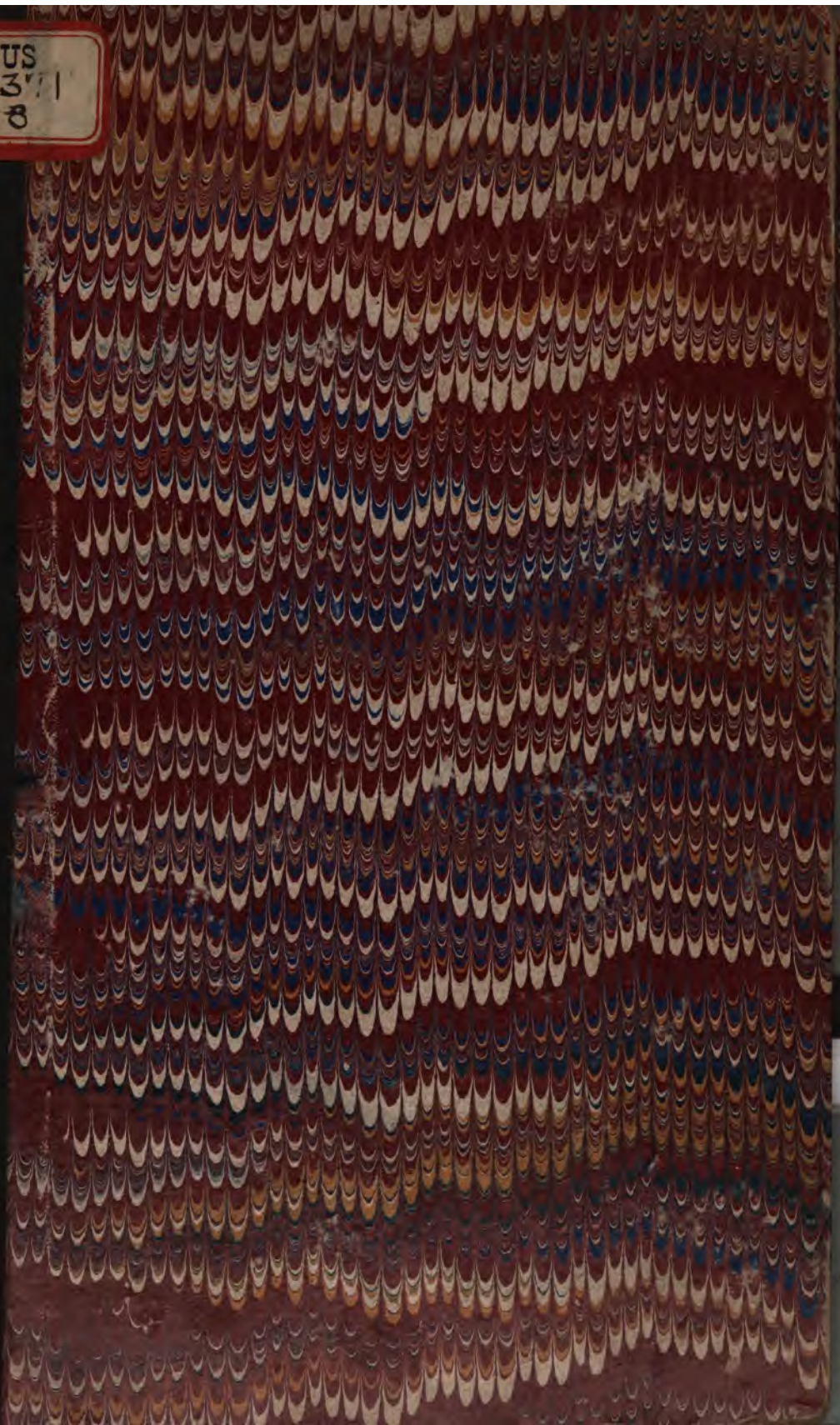
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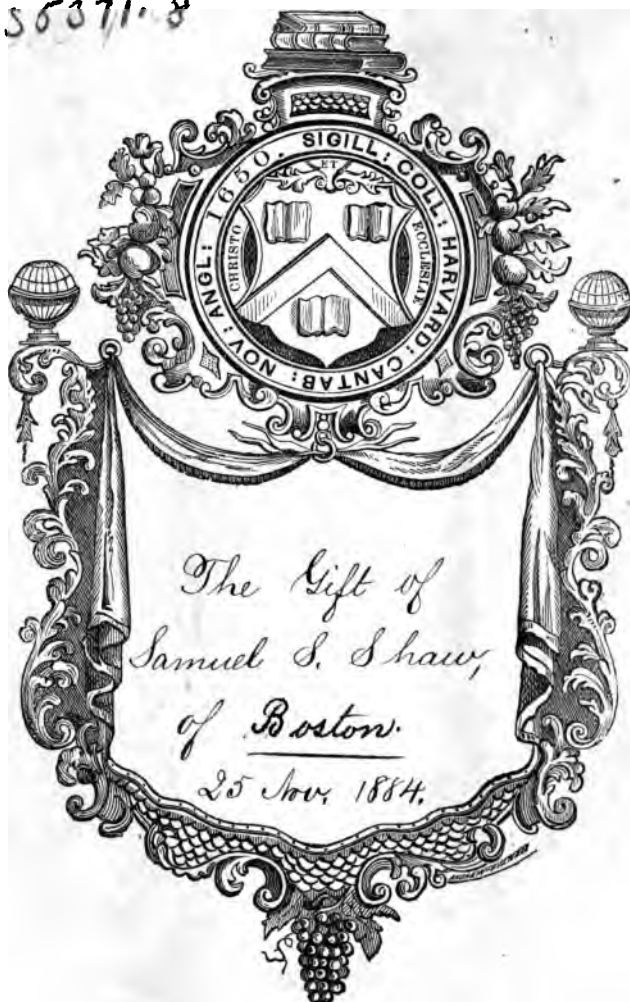
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# S P E E C H



OF

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JUDGE BURBANK,

IN THE

*Ar. 22*  
SENATE OF CALIFORNIA,

FEBRUARY 27, 1861,

ON THE

CRITTENDEN COMPROMISE RESOLUTIONS,



SACRAMENTO:

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## S P E E C H .

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MR. PRESIDENT: I have thus far, sir, listened to the arguments upon these resolutions, with a great deal of interest, and with but very little pride. With interest, sir, because our common country is the controlling theme; with very little pride, because it is supposed that the present condition of the country requires the adoption of all the provisions and principles contained in these resolutions. I have read them carefully. I have endeavored to consider them candidly, and when I am called upon to vote for or against their adoption, I will vote according to the result of my own judgment, and whether that be given in wisdom or in error, it shall be my satisfaction to be able to say, and say truthfully, that I voted as my judgment and my duty dictated to me. Whatever we say on this floor as Senators, speaking for ourselves and for the people of the State of California, should be said in good faith, and whatever is said not in good faith, is unworthy of this Hall, unworthy of ourselves and of our constituency.

I hope, sir, we have come here for the promotion of good purposes, sound policies and vital and substantial principles. I hope we do not assemble here from day to day to foster our passions and inflame our prejudices. The State does not call upon us for the pitiable exhibition of prejudice, passion, hatred, or revenge. But the State does call, and call loudly upon us to speak and act with prudence, with wisdom and with firmness.

These resolutions have for a long time been under discussion, and in this discussion, Senators have taken a wide range—so wide, sir, that at times no one but the Senator on the floor could tell what the orator's theme really was. One day the split in the Democratic party is discussed with thrilling interest; again, we hear of the remedy to cure the disease, which seems to be wasting and dwindling down both wings of the party. Each Senator upon this branch of the subject has been victorious, has killed his antagonist and mortally wounded himself. When, sir, for so many days, we have been driven about by storm and tempest under a cloudy sky, and upon troubled waters, it would be prudent, indeed, to look steadily and ascertain, if possible, where we are and how we stand. If it is true, sir, as Senators tell us upon this floor, that there is no American Union, that it is entirely broken up and dissolved, I would ask such Senators to tell me what necessity there is for considering the resolutions before this Senate? Is it good sense to consider them if there is no Union?

MR. THORNTON—If the gentleman will allow me, I will explain my position upon that point.

MR. BURBANK—With pleasure.

MR. THORNTON—I think that certain States have withdrawn from the Federal Union and are no longer members of it, but I think that Union still exists over and among the States, which are parties to it, and have not withdrawn.

Mr. BURBANK—I so understood the Senator before he explained. What he said on a former occasion on this point was perfectly clear; there was no misunderstanding him, and if I cannot give him credit for his soundness, I will give him the credit of showing most clearly the full deformity of his proposition. I will never intentionally misinterpret any Senator's position. All I can ask of the Senator, is this, that after he has made his bed to suit himself, he should attribute his want of rest to the *making* of the bed. And, sir, if he shall ever sleep soundly on that bed of secession, it will be by reason of great fatigue or under the influence of powerful narcotics. [Loud applause.] I understand the Senator that the American Union is broken—and, sir, if it is broken, it is no longer a Union. What was a Union *once*, is a disunion *now*.

Mr. THORNTON—Not a complete Union.

Mr. BURBANK—It is a Union, or it is not a Union. No proposition can be more clear than that. I hold the gentleman to his word and his explanation. He says by way of explanation that the Union is not a complete Union, and the reason he gives for this position, is simply that it is incomplete *because* it is broken. This is certainly logical. I find no fault with the logic. If his logic could breathe the breath of life into his proposition, and could give to his position solidity and constitutional vitality, he would be as famed for logic as disunion is famed for the evils it will produce. Now, sir, if the Senator contends that these resolutions are calculated to affect people outside of the Union—and if this be true, they are intended to reach a foreign people, whose ensign of nationality is not the stars and stripes—it would be an unusual thing to discuss such resolutions in our Government, where the foreign Government has no voice or hearing in the discussion. Such discussion in this Senate would be a disgrace. But if the resolutions are intended to affect those persons only who are in the Union, who love the Union and do not mean to go out of it, then the discussion would not be entitled even to the dignity of respectable nonsense. Sir, I take a different ground. In my judgment, we, the people, the whole people, now have, this day, a Constitution and a Union, embracing thirty-four States, and that the Union now existing is as entire and complete this day, and this hour, as it was ten years ago. [Immense applause.] Star after star is added, and other stars will be added to the glorious galaxy of stars, until the American people shall forget their reason, and American patriotism shall give place to treason. [Applause.] Proud America, happy America, land of the brave and home of the free, may the God of nations smile upon you in time to come, and may thy blessings be extended to unborn millions, whose hearts and whose voices shall be true to the Constitution, true to the Union, true to their noble progenitors, true to themselves, and true to their posterity. [Immense applause.]

Sir, I am willing to admit all that is true. I admit that the *administration* of our Government has been in bad hands for the last four years. A feeble Executive, surrounded by ambitious and unscrupulous partisans, has brought disgrace upon the American people. I admit, with deep mortification, the probability that treason was whispered with seductive lips in the very Cabinet of our country—and that, too, when unparalleled blessings, as varied as human wants, and as copious as the fullness of rational desires, were multiplied upon this the happiest nation on the globe. [Applause.] I admit the probability that the Chief Executive, standing in the proudest position to which national confidence and national partiality can elevate a man, did listen to the seductive whisperings of treason. I cannot doubt that what was at first but the softest whisper, was at length raised to an outspoken and potent voice. I cannot doubt that certain portions of the country were apprised of the easy access to the Executive. Muniments of war and implements of bloodshed and death were purchased and carried South, in large quantities, for six months

before the November election. Sir, what a spectacle was presented to the American people! Citizens in a certain portion of our Union, in the election of a Chief Magistrate, go to the polls with a vote in one hand and a traitor's sword in the other. Sir, I believe that the idea of a Southern Republic was considered long ago. It was conceived in political sin, and was to have been born in treasonable iniquity. Under no other administration than the feeble and vassilating administration of James Buchanan, would any man or any party have dared to carry out such an unhallowed purpose? He was elected because his Southern supporters had a just appreciation of the man. They were not mistaken in their man. But Northern Democracy was mistaken. Northern Democracy, however, in 1856, as they had often done before, yielded to the demands of Southern dictation, and Mr. Buchanan was nominated and elected. They loudly called him the very model of patriotism, and upon that pretext urged his election. Oh, patriotism! how much political iniquity has been perpetrated in thy name. [Immense applause.] Oh treason, how plausible and how cunning thou hast been. Under the very banner of patriotism, you would stab liberty to the heart. Sir, it is my honest conviction that the elevation of Mr. Buchanan was intended to make room, to make preparation for a Southern Republic. His election was to be the convenient passport to treason's holiday. But, thank God, the people will administer a just rebuke. The Constitution will stand and the Union shall be preserved. [Great applause.] Yes, sir, gangrene patriotism, blind and seductive divinity, gin-cocktail politicians and mint-julip statesmen will find their mistake. They will find that when they secretly and cunningly and wickedly devised their political feast, they were really preparing for their own political funeral. And, sir, let the dead bury *their* dead—the Union must and shall be preserved. [Great applause.] Mr. Buchanan did listen, as circumstances did show, until he was awakened from his delusion by the thunder tones of the people's indignation. Then it was that his eyes were opened; then it was that he saw and trembled; then it was that his knees smote together like the knees of Belshazzar; then it was he turned his face to the Constitution and the Union; and then it was that his seducers turned their faces against him and howled their defiance to his power. The historian will record these pitiable facts, and every page that shall record these acts will be black with political infidelity and the foul stains of treason. Sir, I have already said that I denied that there was disunion or secession. I have asserted that the Union still lives to bless a nation of freemen. [Applause.] But, sir, if any Senator shall say that the present Administration, and what has been allowed to spring up under its weakness, has given a shock to the Constitution and the Union, I admit it all, I deplore it all, I repudiate it all, I condemn the acts and spurn the actors. [Applause.] If Senators are of opinion that these resolutions should be passed and sent abroad into a foreign Government—a Southern Confederacy—to make them effectual there in that foreign Government, let them have the glory of advocating such resolutions for such a purpose. I, sir, claim no share. I, sir, should deem my glory in that my lasting shame. [Applause.] If it is intended that these resolutions, when passed, shall be sent to South Carolina, or to any other State where treason and rebellion are running riot over the Constitution and laws of the land, to learn what they think of these resolutions, to learn what treason may or may not adopt, to learn whether rebellion and treason are for a reconstruction of a Government which they repudiate and contemptuously defy, to see whether such a people desire a better Constitution than that which Washington helped construct; if this is the purpose of these resolutions, I, sir, will wash my hands from the disgrace of their passage. I will not be a participator in such feebleness and such folly. [Great applause.]

Sir, if Senators come here to say to the people or to the Senate, or to the Presi-

dent of the Senate, that there are certain transactions in some portions of our common country of such a character that we dare not think of them, that our watchword must be *hush, be still*, because if we speak out boldly the perpetrators of evil may be enraged and may do more iniquity—I am not the man to join in this cowardly, shrinking policy. I am not the man who will even adopt a policy which shall pay tribute to treason to stop its ravages. I will call things by their right names. I am not afraid to do this on this floor or elsewhere, to tell the country the whole truth, black as it is, wicked as it is, vile as it is.

I, sir, will not deny the truth or tell a lie even for peace. [Applause.] I want no peace purchased at so much sacrifice. Sir, if we cannot maintain our position as a Government by stating the facts, taking the law and going by it and applying the law to the facts, if we cannot do that, how much pride is there in such a Government as that? How much security is there in a Government that has not force in it? How much respect to such a Government at home or abroad? Not any, sir. It would be but a Government on paper, and not worth the paper it incumbered. A Government is a reality; the written words of the Constitution describe and limit and define that reality, that existence. Sir, Senators tell us that the Constitution has the authority and that it is a good Constitution, that it is the supreme law of the land, it is the organic law of this American nation. No Senator denies this, nor does he deny that by that supreme law armies and navies are provided. Nor does he deny that power is given by the people to that Government which is the people's Government. When Senators, here on this floor, in their dignified position, either assert by words or admit by implication that treason may run riot over any acre of ground that is American soil, and should not be resisted or rebuked, let them have the glory of such a position and the honor of such policy. [Applause.] I, sir, will have neither. I spurn them both. [Great applause.]

When Senators argue, let them argue fairly and properly. Let them not deceive themselves when they speak of coercion, let them define their meaning, let no error smother the sentiment of the people of California. Sir, the cry against coercion is heard all about us. In some localities that cry has become, by age and fodder, a frightful howl, and it is such fodder as neat cattle will not feed on; jackasses may live on it, but soon they will grow weak and lean. [Immense cheering.] Certain politicians press the complaint against anticipated coercion. They have fabricated a kind of coercion, which is a perfect monster, and then ask the people to kill that monster! Whose monster? It is your monster—it is one that you have built by the job, and there is not a particle of honest custom work in that monster. [Applause.] When that monster, coercion, that you have built, shall be cut open, shall be dissected, you will find infidelity in every joint. It is a monster that feeds upon corruption, swallows down treason, and swells out in grand dimensions by feasting on cactus and grizzly bear flags, palmetto ensigns and fillibustering patriotism. [Applause.] Sir, the Government of the United States of America has raised no such animal as that. That animal is *monstrum horrendum informe ingens cui luminis ademptum*. Is it proposed by any party in this Government—by the Democratic party, by the Breckinridge party, by the Douglas party, or by the Republican party—to make war against any State in this Union? No, sir; there are at this moment thirty-four States in this Union, all prosperous and happy, if they would be. No party proposes to make war against any of these States in this sisterhood of States. No body is yet foolhardy enough to entertain such a silly proposition as that. Coercion and war are terms that should not be misunderstood. They should not be confounded with the terms of punishment and accountability—by no means. [Applause.] Does any body attempt to make war or wage war against a criminal in this State? A process is issued against such and for what? To bring the crim-

inal to justice. Has any part of Marin county seceded? [Laughter.] Does any portion of Marin county say that she does not like the form and operation of the Government of the State of California, and that she will look to us for terms of conciliation? I have understood that there is some such talk there. [Applause.]

Not, however, on the ground of right or propriety, but simply on the ground that such conciliation has become fashionable—that such custom has been inaugurated in 1861. [Immense applause.] I don't know how true it is, but if it is true, I think I could select a suitable plenipotentiary to send there to negotiate, to conciliate, with special instructions not to intimidate—with very special instructions not to intimate that we even suspect them of crime or error, because that would ruin the purposes of the mission. [Cheering.] Let the plenipotentiary be instructed to say to those gentlemen in Marin, that this Government is friendly to them, and that the reason of friendly feelings is that we really approve of their conduct and would emulate their example. I think I could point out a number of suitable men for such a mission. Mr. President, I would inquire of the Clerk of this Senate, through you, sir, if there be any resolution now on his desk for any such end and purpose? [Laughter.] Sir, no war is proclaimed or intended by this Government. Nobody wants war. There is, indeed, insubordination in one portion of the Union. We all know what that insubordination is. We know its cause and its character. We know what name belongs to that insubordination. It is treason. Perhaps these acts which make the treason are sanctioned by Senators who contend that the United States Government, owning certain property, certain forts, could be deprived of such property when the people of a State in which such property may be, see fit to rise up and take it, and the Senator from Santa Cruz (Mr. Watson), says amen. Sir, recreant and disloyal men are this day in defiance of our General Government, seizing and holding forts on the Mississippi, and aiming the guns of these forts at the merchant vessels as they are moving in peace on that highway of commerce. And yet the Senator in substance says to treason, *he* does not object—he commends, he negotiates, he conciliates. Yes, conciliates! And how? Why, sir, so that the same acts may be repeated at will. You extend to them this invitation. Do what you will, you men of South Carolina and you men of Louisiana—fire at our vessels, sink our ships, intimidate our seamen, defy the Government that protects the houses over your heads, and you shall have the guarantee of the Senator of Santa Cruz that no force of this Government shall ever be applied to restrain you from the free commission of these treasonable acts. If that is the sentiment of this Senate, pass the resolutions, and go before the people of your State and defend your acts. Be your own advocates—be your own witnesses—and I will be there, and I will fasten this stigma upon you. By this act you turn against your Government. You show ingratitude and infidelity to the Constitution you have sworn to support. Sir, I tell the Senators I will meet them in the battle that is to be fought. I will fight you in the mountains, I will fight you on the plains, I will fight you on the sea, I will fight you on the shore, I will fight you in the morning, I will fight you at high noon, I will fight you at the setting sun, I'll fight you till I die. [Great applause.] I mean politically—I do not mean to use powder or bullets, or sharpened steel. I will fight with something more destructive, more fatal to you; I will throw your conduct into you face, I will scatter the burning bolts of a people's indignation into your ranks and you shall count the slaughter. [Applause.] And when the smoke of battle shall have passed away let your dead bury your dead—there will be none of them living to do such kind offices.

Sir, one Senator has talked loudly about the success of a particular party next Fall. Such a theme as that may satisfy the patriotism of that Senator. It may be sufficient for his party. When he says that the Breckinridge party must prevail

upon certain principles, and they must do certain things and must elect certain men to come here, so that the mountains shall speak to the sea and the valleys speak to the mountains—all that on the question before us must be magnanimous! This, perhaps, is worthy of a mere politician; but in my judgment it is unworthy of a statesman. It is not fit to be said in a Senate. There is but one place that can rightfully claim it. There is one place where there is yet a place for it, even in these momentous times. That place is the political cesspool of criminal disloyalty and constitutional infidelity. [Great applause.]

Now, Mr. President, I suppose that the Crittenden Resolutions were intended by their author for a good purpose, and before I speak of the high character of Mr. Crittenden I will speak of his geographical position. He is of a border slave State, and though a gallant State, still it has affinities with South Carolina. He has on the one hand the whole North with twenty millions of people, true to the Union, men who live in obedience to the Constitution and intend to do so. On the other, he has the treasonable Southern States; and I would ask if even he, in that position, can be entirely free from influences that affect other men? I connect his acts with his position, and this is fair and right. These resolutions emanated from a man who has boldly battled with the storms of life. Whether he differed from the old Whig party or not, whether he differs from the Republican party or not, he is a bold man and intends to be right and just. When a man asks me if John J. Crittenden is a true man, I answer, aye, every time. When he penned these resolutions he intended them for a good purpose, notwithstanding, I, humble as I am, may not entirely agree with him. But, sir, little did John J. Crittenden suppose when he wrote those resolutions that any advocate of them would stand up and say this Union is dissolved, that there is now no American Union, and no stars and stripes to represent the dignity and honor and power and glory of our American nation. Do you suppose that he would have written them if he had supposed they needed such an advocate? No, sir; never, never! [Applause.]

Mr. Crittenden wrote these resolutions with this idea, that we, the United States of America, being composed of thirty-four States, and not one less, are the component parts, and the dignified parts which altogether make one whole, and that whole is the sisterhood of States, and that sisterhood is the American Union, never to be broken, never to be dishonored. [Immense applause.] That was the grand and controlling idea in his mind; and by these resolutions he proposes to relieve certain parties of disaffected citizens from the suspicions they entertain as to future effects and results that are feared from future administrations of the Government upon certain species of property. Now, sir, is it not surprising that we are compelled to listen to arguments upon these resolutions, to show that there is no Union to save; only a Union to be sought, to be negotiated for, between dissolved States, under the walls of a shattered Capitol? Certain Senators propose, or speak as though they proposed to negotiate with some foreign Government, formerly belonging to the stars and stripes, to see if such foreign Government could not be induced to rejoin the United States Government, whose Capitol is supposed to be at Washington. Is that it? Is that it? If that is so, if that is the idea, how much power, how much force, how much validity or vitality, how much sense, how much *good nonsense even* would there be in such an advocacy of these resolutions at this time? I will turn away from those gentlemen who assert that we have not a Union. Let them tell the American people that the stars and stripes have no right to float in the breeze from the National Capitol, no right to float at the mastheads of our ships, indicating our Union, indicating the power in that Union, extending over thirty-four States. They may try this position and I will turn from them. They may speak these things to the people and the people will also turn from them. I

envy not the man who can look on and see what treason seeks to do, and not burn with indignation in his very heart of hearts.

Proud and happy millions of American freemen, not yet pushed, not yet driven to the humiliating necessity of shaking hands with treason to maintain freedom; not yet driven, thank God, to furnish such a sad commentary on patriotism. By the blessings of an all-wise Providence you still have the glorious Union which has made you the praise of the world and the hope of mankind. Your Union is a great national mirror, into which all the sons of men throughout the civilized world may gaze with delight. In that great mirror they behold the wisdom of patriots and sages, statesmen and philosophers. In that they see the wisdom and symmetry and perfection of the best government ever produced by human sagacity, aided by the most lofty patriotism; in that they behold with admiration the practical workings of that plan of government which has convinced the world of the truth of the great problem of self-government. [Immense applause.] Into this great and gorgeous mirror millions have looked and are still looking, with undiminished delight and with undiminished hope and confidence. These thirty-four States, with harmony and beauty, with their happy millions in their bosoms, revolving round one common center, and all moving onward and upward as if to reach a higher perfection and a still nobler destiny, nearer to Heaven and to perfect happiness—these, all these, make the American Union. All this you now have, and will you not hold it? Will you not prove yourselves superior to prejudice, superior to party spirit, and superior to infidelity and treason? I think I hear the whispers from a million lips, "We will! We will!" [Immense applause.]

Mr. President, what American patriot is now quite willing to see such a mirror dashed into fragments? Who is quite willing that the glory of the past, the pride of the present and the hope of the future, shall be but a dashed mirror? Look down upon the broken fragments of what was and is not. Take up that piece that was once a State in the Union, protected on the sea and the land from foes from without and from foes from within by the controlling, united power of all the States; but now solitary, now helpless, now hopeless, now the sport of chance, now soon to be the victim of its own folly; now no longer independent, but, on the contrary, poor, weak, dependent and desponding; now assailed, now in strife, now overpowered, now subdued. But *now* no stars and stripes to be invoked, *now* no America to look to for protection against the crushing power of the invader. Look you upon the fragments and tell me if you are quite ready to see that great mirror dashed into fragments? [Applause.]

Oh, what delusion, to talk of disunion! Oh, what delusion, to suppose that the American freemen are willing to compromise with treason, because treason may be more mad. Other men may make the compromise and other men may share the honor. But as for me, I will be no party to a compromise which is to be signed by turns, when now the patriot holds the pen and now the traitor, now the defender of the Constitution and now its enemy. Will ever I sign my name in that way? No, sir. When I do, may my right arm, the gift of God, fall from my shoulder; and my tongue, which is the gift of God, cleave to the roof of my mouth. [Applause.]

Sir, men may talk disunion as they may; they may try to inspire a love for bear flags, and cactus flags, and palmetto flags; they may talk about a Southern Republic and a Pacific Republic, representing anything you please; but let me tell such men, and let me press upon them the fact, that they little understand the great heart of the people of California, which will always beat true to the Union. [Applause.] No, this State will never be seduced from her interest and her honor by the hypocritical pretexts of rose-water patriots and bear flag statesmen. [Applause.]

This State will always be true to the Union, as long as she is true to her own interest and happiness. Gallant California, while the earth bears a plant or the sea rolls a wave, you will always respond with cheers and acclamations to that glorious sentiment of American patriotism—"Liberty and Union, now and forever, one and inseparable." [Deafening applause.]

Sir, if I was mad enough to believe in bear flags, prudence and policy would lead me to withhold such belief and chain it in my own narrow soul. Should I proclaim such a sentiment to the people of this State, my friends would immediately institute an examination, to learn which institution I should belong to—the Senate Chamber in Sacramento, or the Insane Asylum at Stockton; and the result would show that my immediate removal was the only alternative. [Laughter.] And why? Because my insanity would be the controlling trait in my character.

Gentlemen may differ from me. It is their right to do so. If I had the power to compel every member of this Senate to vote in a particular way, against their convictions, I would scorn to exercise that power. What is right or wrong is a matter of judgment with each of us, and each must determine for himself. When I assert that this Government is to be upheld by reason and judgment, and that it looks for no support from the passions and prejudices of biassed and jaundiced and ambitious politicians, I assert what is apparent to the most superficial observer. I assert what is a deep reality in the mind of the statesman. This Government, for its support, looks to no party prejudices, to no party passions. Sir, we have been forced to try the influences of these most ruinous elements for the last four years—nay, for eight years—and the humiliating trial has brought about just the state of things you see. The people of this country feel the calamity, they know it to their sorrow. It is not for the politicians that we should feel a solicitude. It is not the ambitious aspirants that claim our consideration when we are engaged upon questions of national prosperity and national stability. It should be borne in mind that this great Government of ours this day embraces one million, at least, of families, firesides and homes. For these be our solicitude, for these be our care. We are but poorly employed to look out a position for Mr. Lincoln, or Mr. Seward, or Mr. Douglas, or any other man. We are but poor statesmen when we sink so low as to provide ways and means by which one party can be made great and another party made small. This is the work for moon-struck politicians and mushroom statesmen. The Senator from Santa Cruz tells us that his glory consists in the destruction of the Black Republican party. If that Senator waits for glory till it comes that way, I notify him that he has a long time to wait. [Great applause.] I don't know what school he was brought up in, I never will inquire. [Laughter.] I never heard, only from him (good evidence), where he came from—that Georgia produced him. [Applause.]

Mr. WATSON—I inform the gentleman that I did not come from Ethiopia.

Mr. BURBANK—I accept the information. [Laughter.] I am willing that it should be understood that he did not come from Congo. I am also willing that he found it necessary to make the declaration in public. [Applause and great laughter.] I am willing he should profit by it; no doubt he will. [Laughter.] Sir, when the inquiry comes to be made, in high places or in low places, whether the Senator was born in the Congo of Africa or the Congo of America (Georgia), then the Senator will reap the benefit of his timely declaration. [Immense cheering and laughter.] And if the Senator hereafter, in the course of human or inhuman events, finds it for his advantage to hail from the Congo of Africa, rather than the Congo of America, I will not be so unkind as to dispute him. [Irrepressible laughter.]

Mr. President, I did not rise to make an argument to do away with the argument of the Senator. I hope it will be a long way ahead when I shall be driven to such a necessity. If I had been called upon to decide the force of the argument of that

Senator, I would have answered as a lawyer in Court once did. The counsel for one party argued long and loud, hour after hour; he sweat, he fumed, he used all sorts of hard names, he spoke of everything but his cause—that he had omitted altogether—and when he sat down in a triumphant way, as much as to say, “Did anybody ever hear or see the like of that?” the opposite counsel rose, slowly and pleasantly, and said: “May it please your Honor, as the opposite counsel has seen fit to submit the cause *without* argument, I will also submit the case without argument,” and he sat down. The jury decided for the plaintiff without leaving their seats. [Applause.]

One word more, Mr. President, to relieve the honorable Senator from his fears, and to relieve such people as he represents from their fears also. The Senator, when he addressed the Senate, the other day, told us that there was something in this Government which he did not explain. But he gave us his idea of the present condition of the country; and his language on the occasion was classical and his manner very winning—my poor effort will not imitate either—and he said that this Government *was all ripped up*, all dissolved; that some stood on one plank and some on another, and they were all in some bay or on some ocean, and we were bobbed up and down. [Laughter.] That is his idea of our present national condition, and his argument was nearly equal to his idea. They both stand unrivaled for beauty and unequaled in power. [Laughter.] I had occasion to remark, the other day, upon this floor, that the Senator’s heart was not bad; that the difficulty was in his head. I then supposed that when all his difficulties had been or should be removed from his head, and committed to paper, he would be all right. After he made his speech I looked at the reported speech. After having the pleasure of listening to his speech, when he so much interested us, and upon looking at and considering the contents of it—the crooks, the corners, the zig-zags, the errors, the fustian, the foam, the fever, the almost everything that would bring on headache and sickness in the head and dizziness—I say, sir, when I saw all this on paper, and knew that all that came from his head, I was ready to say that his head must now feel entirely relieved, and that hereafter he would be as pure as the icicle that hangs on Diana’s temple. [Great laughter.] But let me tell that Senator, in all soberness, that we are not in the national condition that he supposes we are. It is undoubtedly true that the people of some parts of the Union call themselves out of the Union. But they are not out; they are better off than they pretend to be. The fears of that Senator, and the fears of all who have fears at that time, may be dismissed, may be laid aside. I say be not alarmed—be not frightened.

Sir, in a few days—in four or five days—there will not only be a Government in this country, but there will be an administration of this Government, and that administration will be carried forward with honesty, with dignity, with kindness, and with that degree of stability and firmness that shall give credit to the Government and confidence to the people. It will be administered with this controlling idea—that this Government was instituted for the benefit of the whole people, and that it cannot be properly administered with any different view. This incoming administration never will ask the Senator from Santa Cruz to give an exposition of what is to come, or of what will take place in relation to the Republican party. The Senator may yet be appointed to some high position. I don’t know but Mr. Lincoln will see his speech; he may hear of it and be fascinated by it, and the Senator himself may go to bed without an office at night and wake up in the morning and find himself a high Government official under Mr. Lincoln. [Applause.]

Mr. President, I will allude to what the policy of the Republican administration will be. It will be not to kill, but to make alive. It will not be to destroy men and to destroy the Union, but it will be to build up the people in their interests, in

their families, and in the upholding of this Government and this Union. If it has been said by some mere party croakers, by some evanescent politicians (I mean no disrespect to Senators), that the Republican party intend to rule for the benefit of a party alone, I assert that there is no evidence for such a statement. Such uncalled for, unsustained prediction is but moonshine and fustian. The incoming administration is intended, is designed for the good of the whole country, for its dignity, its security, its interests and its glory.

Sir, that administration has been condemned in advance. When condemnation is the result of candor and judgment, it is then of some import; but when it is the result of passion and prejudice, it is entitled to but little weight, and has, in fact, but small significance. But I do not wonder at anything I hear from a certain quarter. Let us look at the outgoing administration—the Breckinridge men and the Douglas men, indeed, to all who fought against the Republican party. What have all these men done for the last four years? Four years ago they found a full Treasury, and they are about leaving an empty Treasury. They found a united and happy country and the millions of people satisfied with our Government and our Union; they have created discontent, disunion, nullification, secession, treason and rebellion. They found our Government respected at home and honored abroad; they present to us the same Government without respect at home and without honor abroad. All this they have done, and they, with shameless faces and with arrogant assumption, now say that they are the only leaders fit to govern a free people. Oh, shame, where is thy blush! [Applause.]

But, sir, there is something more that they have done. They have left their tracks behind them, and they dread an investigation. They know full well that the causes which have brought a great nation to the verge of ruin in so short a time must be looked into. They feel this, and in their frenzy and in their shame and in their guilt they prefer dissolution rather than exposure. They dread an honest administration. They dread an investigation. They dread the burning indignation of an outraged and insulted people. No wonder that they exclaim in advance that the incoming administration should be suspected. They wish to prepare the public mind to disbelieve what must come to light. They know full well that the whole exposition would sink them into infamy and scorn. No wonder that such persistent resistance to an honest incoming administration should be exhibited. The nature of this opposition is revolting. Sir, the reckless character of the present administration and its advisers foreshadowed the opposition. In the first place, every energy was brought to bear to defeat the election of Mr. Lincoln; but the people overruled it all; he was elected. What do we hear next, in a free Government? That the Union should be dissolved before the 4th of March, 1861. Dissolution was then the cry in one section of the country, and in another section the response was amen—that every State had the just right to secede when she pleased. Then, again, our forts were seized by the opposition, our vessels fired into, treason and rebellion stalked abroad in the land at noonday. What next falls upon the startled ear of the American people? Why, that the President elect should be assassinated before he reached the Capitol. And all this under the stars and stripes, while they floated from the national Capitol. Again, we hear that insurgent armies will surround the Capitol with bristling steel and burnished sabres, to strike down the choice of a free people when he should attempt to take his oath as the Chief Executive of thirty millions of American freemen. All this have we seen while yet a Democratic President is still in the Presidential chair. All this have we witnessed. All this has sent a thrill of indignation through the civilized world; and yet Democrats say that they are afraid that the incoming administration will not come up to that standard of dignity and patriotism that they so much desire. [Laughter.] Democrats!! did

the world ever witness a parallel to this? Your impudence and presumption are only equaled by your infamy and perfidy. Your disloyalty is so daring, so high handed, that it almost challenges your own credulity. It will take another generation to comprehend the full measure of you unparalleled, high handed, un-American treachery and infidelity. [Sensation.]

Sir, the pages of history that shall record the doings of this administration will smoke with burning disgrace. They will be read with scorn and indignation. Generations yet to come will wonder how all these iniquities could have been perpetrated in a free Government of intelligent Americans. They will be more astonished at the record than we who live amid these scenes of humiliating insubordination and ruin. What we have seen has had its influence upon the public mind. Fear has seized upon some, despair has settled upon others, and some are even led to doubt the success of self-government.

But, Mr. President, while thousands have admired the wisdom of the founders of this government, few comprehend that wisdom, and *fewer yet* are fully able to fathom the depth and foresight of the great minds that framed our Constitution. Sir, that Constitution, up to this time, has withstood the storms and tempests that threatened its overthrow, and like a gallant ship she has triumphed over the howling tempests above and the angry billows beneath; and such triumph has given greater confidence in its wisdom and perpetuity, and it only remains for a still greater triumph to give unlimited confidence in that masterpiece of human wisdom. [Applause.]

Sir, we have witnessed the crowning assault; we have felt the crowning shock; and by the blessing of God, we are bound to hail the crowning triumph of that Constitution. So deep rooted in the hearts and affections and confidence of the American people is that sacred instrument, that the storms of passion, the tempests of party strife, the assaults of wreckless ambition and the surges of treason, shall not prevail against it. It still stands lifting itself proudly and majestically above the power of the elements. Our flag will still wave in triumph and glory on the land and on the sea, the pride of a nation, the admiration of mankind. [Great applause.]

Mr. President, some things are laughable, while other things are sublimely ridiculous. The Senator from Santa Cruz points his finger at the Senator from Yuba, and says, "You love the Republicans;" and then, with extraordinary emphasis, he adds, "I charge it upon you, sir!" Good sense that, ain't it? [Laughter.] You might as well *charge* a man with integrity, honor, and patriotism, and then try to fasten it upon him as a disgrace. [Applause.] You might as well attempt to stigmatize him by charging him with being true to the Constitution and the Union. And suppose you make that stigma stick to his character, how much will you harm him in the estimation of good men? [Laughter.]

I do not ask any man to join the Republican ranks; I do not advise any man to keep away. Sir, the Republican ranks are open to all men who have any just claim to patriotism, fidelity, humanity, and that respect which every good citizen is entitled to. To all such, we say, Come! be good citizens, be good men, be good fathers, and with us make common cause in building up our common country. Be Republicans! [Applause.]

It should not be supposed that I am vindictive to the Senator from Santa Cruz. I am not. I have often spoken in his favor (may I be forgiven). I will do better for him than he does for himself. [Laughter.] I am treating him as Ichabod treated his brother Jonathan. They had a difference that grew into a difficulty, and was provoked into collision; hot words were followed by a trial of strength. Ichabod took Jonathan down, and showed him his regard by some heavy demonstrations.

Jonathan complained. But, said Ichabod, "Bear it with patience, Jonathan, every blow I give you is for your good." [Great applause.]

Sir, we are told that the principle object of these resolutions is to bring together the two wings of the Democratic party. I do not care what fusion they make, or what fuss they make; I don't care whether that old Democratic goose has two wings or one, or none; I don't care whether that goose, that is almost dead, has a head or tail, or neither; I don't care whether she flies or goes on foot; it is all the same to me; I care not for the goose or the goslings; I have no interest in any such stock. [Laughter.] Whilst your deepest concern is for that old goose, picked and tattered as she is, the Republicans are looking out for the stars and stripes, the Government, its administration, the Union and the blessings which that Union is calculated to secure. Sir, if there is anything in those resolutions, coming from the source they do, that ought to be passed for the good of the country, I am one of the men who will dismiss all party considerations, and consider them honestly, frankly and truly. But there is one other thing I must say, and I am bound to say it, and I might as well say it *now* and *here*. I shall speak of the Senator from Sacramento (Mr. Clark), after he has made such a truly patriotic speech as he has this day made here. I am inclined to praise him, but I scarcely dare to do it in the presence of the Senator from Santa Cruz; for if I should say a word in favor of Mr. Clark, Mr. Watson would rise to his full height, and look daggers, and exclaim: See that! Did you ever see anything like that? The Senator from San Francisco is praising the Senator from Sacramento! Wonderful! [Laughter.]

Sir, no Senator can intimidate me. I am proof against fear. Danger and I were rocked in the same cradle and grew up side by side, and I was always his master. When danger speaks to me he only speaks for a compromise, and yields to my own terms. [Laughter.] But I am not so brave as to forget my position; I hope I am not so brave as to forget that dignity which belongs to this Senate; and I do say that Senator Clark, whether he come from the North or the South, so long as he breathes the sentiment that he has this day uttered, stands on the right ground. He is for the Union and for the supremacy of the laws of the land. [Applause.] He says, in substance, that it will be a long time before he will say that this Government is so weak and feeble that it cannot stand forth in its dignity and power and say to treason "Hush, be still!" Sir, I assert that I am not the man to be gagged down here or elsewhere. When I know that treason is rising up in the land to destroy liberty itself, I will not stand still, I will meet it, I will confront it, I will condemn it loudly, I will defy it, I will defend the country I love against every enemy, whether he comes from abroad or rises in our midst. If liberty and peace and harmony and life and country are worth having, they are worth defending. [Applause.] I do not know how others feel, but as for me I envy the position of him who is called upon to stand between his country and his country's foe. A brave man in a good cause has a proud position. When in defense of Government and country and houses and families, he has no fear; it matters not who the foe may be. He regards his own life but a drop in the ocean, compared with the magnitude of the cause. He feels that the death of a patriot on the field is but a passport to his country's gratitude. He knows that such a death is but a rich legacy to his wife and his children, richer than gold and lasting as time.

Sir, some of the Senators on this floor undertake to treat the Government of the United States as a something separate and distinct from the people. They seem to desire it to be understood that when there is any exercise of the power in the Government to enforce the laws and command subordination to that, the Government is a hostile power on the one side and the people on the other. What a mistaken idea! You might as well say that the sun in heaven is on one side to destroy or

prevent vegetation, and the earth in dread of its influence on the other. When there is an exercise of force it should be for the purpose of protecting the interests of the people, and not to carry out an empty scheme of the Government. [Applause.] Sir, no man would be more opposed than I am to the exercise of power by the Government barely to uphold a naked Government, or to the simple exercise of that power merely when that exercise of power was designed not for the purpose of securing the dignity, honor and integrity of a nation which we love. [Applause.]

Now, sir, I say to the Senators of all parties opposed to the Republican party, mend up your differences where you please and when you please. Get a welding heat upon your broken iron. Patch up your tattered garments of party acrimony. Bring into one grand conglomeration all your threadbare deformities, and array them all against the great Republican party, against the incoming administration, against the Constitution and the Union, against the country that gave you birth, against the stars and stripes even, if you will, if you are mad enough to do all this folly. [Applause.] But as for me, I will repudiate all that, and the people will repudiate you. [Sensation.]

Sir, the great Republican party have no quarrel with your factions, with your feuds, with your petty schemes of party policy, or with your tedious trumpery, your trite twaddle or trespassing tittle-tattle. The Republicans care nothing of all this. Let the Indian of the forest shoot his arrow at the moon and look to see it fall. Let him look, and when he sees that moon fall by the touch of his arrow from his bow, you will then see the Republican administration fall by your arrow from the bow you now bend. [Tumultuous applause.]

Be sure and have it not written down—be sure and have it not recorded, when you say we have not a country, have not a flag, that we are dismembered, that we are all fallen to pieces, that any State has the right to go out when she pleases and *how* she pleases, that when a State says she is out of the Union, she is out; that forts and arsenals and ships belonging to the General Government are but the sport of folly and the prize of treason. Don't let your words find a record. If they do, that record cannot be rubbed out, *litera scripta manet*; and when you read that record you read the blackest picture of infidelity and ingratitude to the best Government the sun shines upon. [Applause.] Washington and Jefferson and Clay and Webster understood the Constitution not as you misunderstand it. They understood this Government to be a Government of the whole people, in which every man had a direct interest, and to which every man was responsible [applause]; and that such a Government could not be dissolved without the consent of the people, whose interests and safety and hopes are concentrated in it; and so it is that I understand the organic law of the land. [Applause.] And, sir, notwithstanding the darkness and cloud that now lowers over our heads, yet I think that the eye of the patriot can look through this gloom, look through this murky cloud. It may be that my most ardent hope may be father to my prediction. But still I will venture the prediction that within ninety days from the 4th of March, 1861, our whole country will be relieved from its anxieties, will be relieved from all the chimeras of bruin, cactecian and palmetto ensigns—will be restored to harmony, to confidence and to peace. [Applause.]

Sir, in that brief space of time we shall welcome the most happy results; in that brief space of time, disunion will be reckoned among the dangers that *are past*, and treason will be rebuked—not by the sword, not by cannon and cavalry, not by forces under the tread of martial music, not by force under the exciting influences of torch and trumpet—but by greater and more crushing force than all that, by something keener than the sword, and more potent and commanding than hosts of warriors with all their armor on. [Applause.] Sir, public indignation will do the mighty

work which the sword might fail to do. [Great applause.] That work has already begun, and it will go on conquering and to conquer, until the outbursting patriotism of a great nation shall make one universal acclaim of "Liberty and Union, now and forever!" [Deafening applause.]



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